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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,239	12/12/2003	Janice K. Ajootian	JKA-5	1879

7590  
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01/10/2006

EXAMINER
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JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,239

Applicant(s)

AJOOTIAN, JANICE K.

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1, 9, 10, 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this claim, "the cooperating closure edges" does not have proper antecedent basis.

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Figs. 5,6 and 9-11;

Figs. 14 and 20

Figs. 15-19.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Robert Doherty on 04 January 2005 a provisional election was made without traverse to prosecute the invention of Species 3, Figs. 15-19, claims 1-8, 11 and 12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9, 10, 13 and 14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobreski US 5,682,730 in view of Sill US 6,536,951 and further in view of any one of Schneider et al. US 6,712,510, Kaldenbaugh US 4,948,267 or Van Erden US 5,129,734.

Re claim 1, Dobreski discloses the combination purse and display package comprising a purse portion including top and bottom sheet material panels as claimed.

Dobreski does not, however, disclose the extension panel extending upwardly from the interconnected top edge of the panels (16), but instead attached the extension panel to the "one longitudinal side edge" 21. The extension panel includes openings 40 and 42 through which the package can be suspended from a hook.

Sill discloses a first embodiment in Fig. 2 where the extension panel is, like Dobreski, attached to a longitudinal side edge. Sill further discloses in Figs. 7 and 8 moving the extension panel to a location proximate the other longitudinal side edge.

Accordingly, Sill teaches moving the extension panel to different locations on the purse/display package.

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Schneider et al. US 6,712,510, Kaldenbaugh US 4,948,267 or Van Erden US 5,129,734 all teach disposing extension panels/hook openings at a position proximate to the top edge of panels.

Accordingly, with respect to the teachings of Sill, it would have been obvious to one of ordinary skill in the art to first recognize that the extension panel of Dobreski could be moved to other locations on the purse/package, and with respect to the teachings of Schneider, Kaldenbaugh or Van Erden to recognize the benefits of placing the extension panel/hook opening extending upwardly from the top edge of the panels. A motivation for this modification would be to give the package of Dobreski a more vertical orientation and improve the merchandising options for the package.

Re claim 2, Dobreski discloses the weakened lines at 38.

Re claim 3, Dobreski is inherently capable of being separable by cutting at a position above or below the weakened lines 38.

Re claim 4, Dobreski discloses the slide assembly 32.

Re claim 6, Dobreski discloses in Fig. 2 that the extension panels are continuations of the top and bottom panels.

Re claim 7, making the panels of packages such as Dobreski from transparent or "less than transparent" materials are all notoriously well known, and to have modified the package of Dobreski in such a way would have been obvious to one of ordinary skill in the art.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobreski US 5,682,730 in view of Sill US 6,536,951 and further in view of any one of Schneider et al. US 6,712,510, Kaldenbaugh US 4,948,267 or Van Erden US 5,129,734 and further still in view of Ausnit US 3,565,147.

Dobreski et al. do not disclose the secondary sealing means.

Ausnit discloses in Figs. 3 and 4 the use of secondary sealing means that have grooves and cooperating beads.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Dobreski with the teaching of a secondary sealing means as taught by Ausnit, so that items that should be kept fresh in the package would be less likely to be exposed to oxygen while in the package, or to properly seal off wet items within the package.

Claims 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobreski US 5,682,730 in view of Sill US 6,536,951 and further in view of any one of Schneider et al. US 6,712,510, Kaldenbaugh US 4,948,267 or Van Erden US 5,129,734 and further still in view of Cappel US 6,712,509 and Examiner Official Notice.

Dobreski et al. do not disclose the locking system.

Cappel, in Figs. 6a – 6d teaches the locking system as claimed. Cappel does not, however, show the upstanding ridge in the sheet material.

Applicant in page 12 of the present application suggests that tools with moderately sharpened ends will produce the material ridge as is claimed.

The locking system of Cappel is a tag 50 (a locking member) that extends through openings in material. The tag/locking member of Cappel is disposed through the openings in the material through the use of a tagging mechanism that first pierces the material, and then conveys the tag (the locking member in this claim) through the pierced openings.

The tagging mechanism that is used to place the tag element 50 (the locking member) of Cappel is known to have moderately sharpened ends so as to pierce through material, just as have been indicated by the applicant to produce material ridges during piercing/penetrating of the package sheet materials.

Accordingly, in lieu of the admission of the applicant, and in lieu of the known structure of the tool used to dispose such a tag/locking member, it is submitted that despite the lack of such a material ridge being shown in the drawing figures 6c and 6d, that a ridge would inherently be produced in the procedure that placed the tag (the locking member) in the package just as suggested by the applicant, and that the ridge would produce the frictional resistance as is set forth in the claims.

One of ordinary skill in the art would use the locking system of Cappel in the package of Dobreski et al. for the reasons Cappel discloses, so as to prevent unwanted opening of the package.



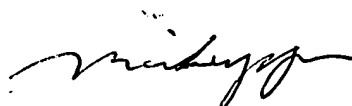
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ



Mickey Yu  
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